

## REMARKS

Claims 1- 42 are pending in the application and all claims stand rejected. The Applicant has amended the drawings, specification and claims, and respectfully requests reconsideration of all claims in view of the foregoing amendments and following remarks.

### **The Objection to the Drawings is Moot**

The Drawings stand objected to under 37 C.F.R. § 1.83(a) for failing to show all features recited in claims 33-41. Office Action item 1 at page 2. The Applicant respectfully submits that the amendments to the Drawings obviate the grounds for the objection. The Applicant therefore requests that the objection to the Drawings be withdrawn.

### **The Claim Rejections Under 35 U.S.C. § 102(e) Are Traversed Because the Reference Fails to Disclose All Recited Features**

Claims 1-32, 35-37 and 42 stand rejected under 35 U.S.C. § 102(e) in view of Pub. No. US 2001/0038999 by Hainey (Hainey). Office Action, items 2 and 3 at page 3. The Applicant respectfully traverses the rejection because the reference fails to disclose all recited features.

With regard to claim 1, Hainey discloses a toolbar menu (27). But Hainey also discloses that activities such as open sketch (51), open saved file (52), create new sketch (53) etc. are selected via a welcome screen (50). See FIG. 4 and paragraph [0036] of Hainey. By contrast, Applicant claims use of a toolbar to select an activity. Thus, for at least the reason that Hainey does not disclose “a toolbar on said display, said toolbar menu including a plurality of tools, at least one of the plurality of tools enabling the selection of one of a plurality of activities,” in combination with other recited features, claim 1 is not anticipated by Hainey.

Claims 2-9, 29, and 30 are patentable for at least the reason that they depend from allowable claim 1.

With regard to claim 10, Hainey discloses drawing tools such as a pencil or a paintbrush associated with toolbar menu (27). Hainey at paragraph [0035]. But Hainey does not disclose or suggest that any of the drawing tools have changeable characteristics. By contrast, Applicants claim “a plurality of interactive tools, each of said plurality of interactive tools having a predetermined characteristic, each of said plurality of interactive tools being associated with one of said selectable icons, the predetermined characteristic of at least one of the plurality of the interactive tools including a first characteristic associated with the drawing activity and a second characteristic associated with the second activity” in combination with other recited features. Claim 10 is patentable for at least this reason.

Claims 11-18 are allowable for at least the reason that they depend from allowable claim 10.

With further regard to claims 7 and 16, Hainey discloses that the Universal Serial Bus (USB) controller (18) may be used to connect a flash memory card, a plug-and-play cartridge, or a computer. Hainey at paragraphs [0031] and [0034]. Hainey does not disclose that the “portable, hand-held drawing instruction device,” shown in FIG. 3 and characterized as such in paragraph [0035], is configured to receive data from “a second hand-held electronic toy” as recited in claims 7 and 16. The Applicant respectfully submits that claims 7 and 16 are allowable for this additional reason.

With regard to claim 19, Hainey generally discloses drawing tools associated with toolbar menu (27), but does not disclose or suggest that such tools have more than one state of availability. Thus, claim 19 is allowable for at least the reason that Hainey fails to disclose the feature of “determining a state of availability for the interactive tool,” recited in combination with other features in claim 19.

Claim 20 is cancelled, so the rejection as to that claim is rendered moot. Claim 21 is allowable for at least the reason that claim 21 depends from allowable claim 19.

With regard to claim 22, Hainey discloses drawing tools associated with toolbar menu (27). But Hainey does not disclose or suggest that any drawing tools have changeable characteristics. Thus, for at least the reason that Hainey does not disclose interactive tools having “[a] first characteristic being associated with the retrieved drawing activity” and “[a] second characteristic being associated with the retrieved second activity,” in combination with other features recited in claim 22, claim 22 is allowable.

Claims 23-35 are allowable for at least the reason that they depend from allowable claim 22.

With regard to claim 26, Hainey discloses drawing tools associated with toolbar menu (27). But Hainey does not disclose or suggest drawing tools having changeable characteristic states. Accordingly, for at least the reason that Hainey fails to disclose “determining whether to modify a state of said characteristic of said interactive tool from said first state associated with the drawing activity to a second state,” in combination with other features recited in claim 26, claim 26 is patentable.

Claims 27 and 28 are allowable for at least the reason that they depend from allowable claim 26.

With regard to claim 31, and for at least the reasons similar to those provided above with respect to claim 10, claim 31 is allowable. In particular, Hainey fails to disclose a tool having “a first characteristic being associated with the first drawing activity” and “the second characteristic being associated with the second drawing activity” in combination with other features recited in claim 31.

With regard to claim 32, Hainey discloses a toolbar menu (27) having icons. But Hainey does not disclose that the icons are activated and deactivated. For at least the reason that Hainey fails to disclose “when operational, each of the plurality of icons being one of activated and inactivated based on an activity selection,” in combination with other features recited in claim 32, claim 32 is allowable.

Claims 35-27 are allowable for at least the reason that they depend from allowable claim 32.

With further regard to claims 35 and 36, Hainey discloses that toolbar menu (27) includes icons, and that selection of any icon opens a window of drawing tools. Hainey discloses that the tools in the window “can include, but are not limited to, a pencil, a paintbrush, a spray paint can, an eraser, or other suitable tool for creating artwork.” Hainey at paragraph [0035]. Hainey does not further define “artwork,” but Applicants respectfully submit that all listed embodiments relate to free hand drawing. By contrast, claims 35 and 36 recite predetermined “shapes tools” in combination with other features not disclosed or suggested by Hainey. Moreover, claims 35 and 36 also recite “a primary shapes tool associated with a plurality of secondary shapes tools” in combination with other features. Hainey merely discloses that “further selection[s]” can be made. Claims 35 and 36 are allowable for at least these additional reasons.

Claim 42 is cancelled, rendering the rejection with respect to that claim moot.

The Applicant respectfully requests that the rejections to claims 1-32, 35-37 and 42 under 35 U.S.C. § 102 be withdrawn.

**The Claim Rejections Under 35 U.S.C. § 103(a) are Traversed Because the Combined  
References Fail to Disclose all Recited Features**

Claims 33-34 and 38-41 stand rejected under 35 U.S.C. § 103(a) in view of Hainey in combination with Microsoft Paint. Office Action items 5 and 6 at pages 8 and 9, respectively. The Applicant respectfully traverses the rejection because the combined references fails to disclose all recited features.

The Office Action relies on Hainey for the features recited in claim 32. Office Action at page 9. For at least the reasons stated above, Hainey fails to disclose all features of claim 32. Accordingly, claims 33-34 and 38-41 are allowable for at least the reason that they depend from allowable claim 32.

The Applicant respectfully requests that the rejections to claims 33-34 and 38-41 under 35 U.S.C. § 103 be withdrawn.

### CONCLUSION

All of the stated grounds of rejection have been properly traversed or rendered moot. The Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections, and that they be withdrawn. The Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

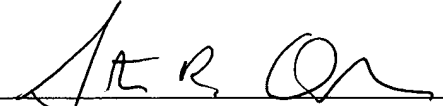
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Respectfully submitted,  
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Enclosures:

(1) Request for Approval of Drawing Amendments